

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

ROBERT EARL TIPPENS, JR.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 3:11CV71-HEH
)	
CENTER FOR THERAPEUTIC)	
JUSTICE, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM OPINION
(Denying Plaintiff's Rule 59(e) Motions)


Plaintiff, a Virginia state prisoner proceeding *pro se* and *in forma pauperis*, brings this civil rights action. By Memorandum Opinion and Order entered on March 8, 2012, the Court dismissed the present action. On March 12, 2012, the Court received from Plaintiff two documents titled, "MOTION TO DISMISS AND COMPLAINT" and "MOTION TO DISMISS," respectively. Because the Court received the foregoing motions within twenty-eight days of the entry of the March 8, 2012 Memorandum Opinion and Order, the Court will consider them as motions for relief under Federal Rule of Civil Procedure 59(e). *See Dove v. CODESCO*, 569 F.2d 807, 809 (4th Cir. 1978).

The United States Court of Appeals for the Fourth Circuit has recognized three grounds for relief under Rule 59(e): "(1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice." *Hutchinson v. Staton*, 994 F.2d 1076, 1081 (4th Cir. 1993) (citing *Weyerhaeuser Corp. v. Koppers Co.*, 771 F. Supp. 1406,

1419 (D. Md. 1991); *Atkins v. Marathon LeTourneau Co.*, 130 F.R.D. 625, 626 (S.D. Miss. 1990)). In his Rule 59(e) Motion, Plaintiff simply reiterates many of the arguments the Court rejected in its March 8, 2012 Memorandum Opinion. Plaintiff does not demonstrate any grounds for granting relief under Rule 59(e). *Pac. Ins. Co. v. Am. Nat'l Fire Ins. Co.*, 148 F.3d 396, 403 (4th Cir. 1998) (noting that a “Rule 59(e) motion may not be used to relitigate old matters, or to raise arguments or present evidence that could have been raised prior to the entry of judgment.” (quoting 11 Charles Alan Wright & Arthur R. Miller, *Federal Practice and Procedure* § 2810.1, at 127–28 (2d ed. 1995))). Accordingly, Plaintiff’s Rule 59(e) Motions (Dk. Nos. 33, 34) will be denied.

An appropriate Order will accompany this Memorandum Opinion.

Date: April 24, 2012
Richmond, Virginia

 /s/

HENRY E. HUDSON
UNITED STATES DISTRICT JUDGE